



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable C. Simmons
County Auditor
Henderson County
Athens, Texas

Dear Sir:

Opinion No. 0-6951

Re: Authority of Commissioners' Court to purchase automobiles for the use of County Commissioners. H. B. No. 884 passed by the 49th Legislature provides for such purchase with the limitation that said automobiles are to be used by the Commissioners in construction and maintenance of public roads only.

We acknowledge receipt of your recent opinion request concerning the above matter. Your letter of November 26, 1945, reads as follows:

"An Act passed by the 49th Legislature, Regular Session.

"Henderson County-Public Roads and Highways.

"Chapter 375 - H. B. No. 884

"Among other things, 'authorizes the purchase and maintenance of automobiles for the use of the County Commissioners.'

"Does this Act give the Commissioners' Court authority to purchase and maintain automobiles for the use of the County Commissioners?

"We will appreciate an early reply as we will soon be called on to approve expenditures for this purpose."

Honorable C. Simmons, page 2

Sec. 3, H. B. No. 884, found at page 678, Vol. 5, 1945
Vernon's Texas Session Law Service, 49th Legislature, Regular
Session, provides as follows:

"The Commissioners' Court may purchase necessary automobiles and provide for the maintenance thereof, for the use of the Commissioners in the construction and maintenance of public roads. Provided, however, that not more than one automobile may be purchased for any one Commissioners' precinct. The purchase price of said automobiles and the cost of maintenance thereof shall be paid out of the Road and Bridge Fund of said County." (Undersealing ours)

Sec. 9, Art. 8, State Constitution, among other things, provides as follows:

"* * * And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws. This section shall not be construed as a limitation of powers delegated to counties, cities or towns by any other section or sections of this Constitution."

In view of the Act of the 49th Legislature and the constitutional provision, above, it is the opinion of this department that the Commissioners' Court of Henderson County is authorized to purchase and maintain automobiles for the use of the Commissioners in the construction and maintenance of public roads. We are not to be understood as holding that if the Court purchases such automobiles the Commissioners may use the same for purposes other than the construction and maintenance of roads.

We trust that the above and foregoing fully answers your inquiry.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By

Jeane Owens
Jeane Owens
Assistant

JO:LL

